

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY DG D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

MARY ANN LAZAR,

Plaintiff,

vs.

EZPAWN TENNESSEE, INC.,

Defendant.

Civ. No. 03-2868-B/P

ORDER DENYING DEFENDANT'S MOTION FOR AMENDMENT OF SCHEDULING
ORDER

Before the court is defendant's Motion for Amendment of Scheduling Order, filed July 22, 2005 (dkt #25). In the motion, defendant asks the court to amend the scheduling order to allow defendant additional time to obtain written discovery and to take the depositions of the plaintiff, her mother, and plaintiff's sister. These are the defendant's first set of written discovery requests, and were not sent to the plaintiff until after the discovery period closed, even though the court had previously granted defendant's request to extend discovery. No depositions have been noticed by the defendant. The trial is set to begin on October 31, 2005.

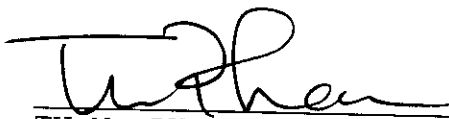
On August 1, 2005, the plaintiff filed her response in opposition to the motion. On September 1, 2005, the court held a

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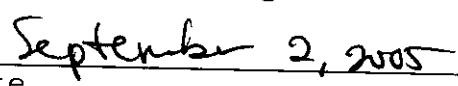
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hearing on the motion. Counsel for all interested parties were present and heard. At the hearing, the court concluded that defendant has failed to show good cause to amend the scheduling order, and furthermore, any extension of the discovery period would prejudice the plaintiff, whose case has been pending since November 2003. Thus, the motion is DENIED.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge



Date



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Honorable J. Breen
US DISTRICT COURT